

FREDERICK COUNTY PLANNING COMMISSION

May 14, 2014

TITLE: **Spring 2014 Cycle of Water and Sewerage Plan Amendments**

PROJECT INFORMATION:

WS 14-01 Yankee Land Trust, requesting reclassification from W-5/Dev., S-5/Dev. to W-3/Dev., S-3/Dev.

WS 14-02 Division of Community Development on behalf of Nichols and Emilie Gessler, requesting reclassification from S-5/Dev. to S-3/Dev.

WS 14-03 MS Gladhill Farm, LLC, requesting reclassification from PS to W-4/Dev., S-4/Dev. and depiction of a sewage pump station symbol on the Sewer Map

WS 14-04 Michael and Lorriane Staley, requesting reclassification from W-5/Dev, S-5/Dev. to W-3/Dev., S-3/Dev.

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION: Refer to staff report for recommendations

ATTACHMENTS:

EXHIBIT 1- Staff Report

EXHIBIT 2- Applicants' submissions

Frederick County Community Development Division Staff Report

Frederick County Water and Sewerage Plan Amendments

Planning Commission Review – May 14, 2014

Spring 2014 Cycle Amendment Requests

WS 14-01 Yankee Land Trust

WS 14-02 Division of Community Development on behalf of Nicholas and Emilie Gessler

WS 14-03 MS Gladhill Farm, LLC

WS 14-04 Michael and Lorriane Staley

ISSUE

The Planning Commission is requested to review the amendment requests for a finding of consistency with the County Comprehensive Plan.

BACKGROUND

The purpose of the Planning Commission's review is to determine whether each amendment request is consistent with the County Comprehensive Plan. The Land Use Article of the Annotated Code of Maryland defines consistency with the comprehensive plan as addressing the location, character, and extent of the request. A finding with regards to consistency may reference the comprehensive plan map and the text document, specifically the goals and policies. For properties located within a municipality the municipal comprehensive plan and municipal land use plan designation is referenced.

A finding of consistency does not reference whether a case meets the specific criteria, described in the Water and Sewerage Plan, for the requested classification. That determination is made by the Board of Commissioners in their review.

If the Planning Commission finds a request to be inconsistent with the comprehensive plan then the request is not forwarded to the Board of Commissioners.

RECOMMENDATION

Staff recommendations are noted in the individual case descriptions.

IV. COUNTY WATER AND SEWERAGE PLAN CLASSIFICATION SYSTEM

A. General

A classification system has been established for properties that will be served by publicly owned community water and sewer systems. The classification system reflects a progression toward the attainment of public water and sewer service so as to implement the County Water and Sewerage Plan, as well as County or municipal Comprehensive Plans.

The classification system is designed to show need and intent of the County, its municipalities and the private developer for establishing or extending publicly-owned community water and sewer systems.

Classifications which indicate anticipated improvements within the next six (6) years should be part of an action plan to be implemented within the constraints of funding and various required agreements and approvals. The classification system is not intended to prevent development of publicly-owned community water and/or sewerage systems or facilities prior to or later than the time periods indicated; rather it is the best estimate at the time of adoption as to when such development may be expected to occur. Every effort should be made by the County, municipalities, and developers to progress with water and sewer projects to the point that construction may occur in accordance with the Plan. However, after having achieved one level, there is no guarantee that the next level classification will be granted.

B.. Water and Sewerage Plan Classifications:

Tracts of land where publicly-owned community water and/or sewer facilities are proposed to be extended by developers or where the County or municipalities anticipate that development may occur within 20 years may be assigned a classification with the suffix "Development" or "Dev.". A "Dev." designation means that the extension or construction of publicly-owned community systems or facilities is dependent upon developer or land owner action and funding.

The year of adoption of a piecemeal Water and Sewerage Plan amendment is noted within the water and sewer classification designations for properties in 4 and 3 categories, (e.g. 90-S-3 means the sewer priority classification of S-3 was approved by the County in 1990).

NPS – No Planned Service:

A classification assigned during the Comprehensive Planning Process to land, which is not planned or projected to be served by publicly-owned community water or sewer systems within the timeframe of the current County Comprehensive Plan.

PS – Planned Service:

A classification assigned during the Comprehensive Planning Process to an area shown on the Comprehensive Plan for growth utilizing publicly-owned community water and/or sewer systems, or within the Community Growth boundary of a community to be served by public water and sewer in the adopted County Comprehensive Plan, within the 11-20 year time period. Properties within this classification have designations other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.

This classification may be assigned through the piecemeal application process as follows:

(1) To property annexed into a municipal corporation, and/or to property which is designated other than Agricultural/Rural or Natural Resources on the County Comprehensive Plan and which is adjacent to property which has a classification of PS or higher for public water and/or sewer. For purposes of this provision, a parcel which is separated from another parcel by a public or private road shall be deemed to be 'adjacent' to such parcel.

(2) A developer funded study must be completed as part of the request for a PS classification, and approved by the DUSWM, to determine if adequate capacity exists in the sub-regional water or wastewater treatment system to serve properties outside the system's current service area. This study must also analyze water treatment or wastewater treatment system expansion needs and constraints, including costs estimates, and any additional groundwater appropriation and National Pollutant Discharge Elimination System (NPDES) discharge permit revisions from the State of Maryland.

S-5/W-5 – Mid-Range Plan Phase:

A classification assigned through the Comprehensive Planning Process where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 7-10 year time period. Properties classified S-5/W-5 are not required to, but may, connect to the community system. Properties requesting this classification shall meet the following criteria:

- a. Have a land use plan designation other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.
- b. Have zoning other than Agricultural or Resource Conservation.
- c. If located within a municipality where the municipality provides community water and sewer, the property shall be designated in the municipal plan to be provided services in the 7-10 year time frame.
- d. Be located within a Planned Service Area as shown on the Frederick County Water and Sewerage Plan map.
- e. Demonstrate that there is sufficient capacity planned in the systems serving the property within the 7-10 year period.

This classification may be assigned through the piecemeal application process to property:

- 1) Annexed into a municipal corporation; or
- 2) Granted a Planned Unit Development (PUD) or Mixed Use Development (MXD) floating zone classification; or
- 3) Having an existing PS classification and requesting a connection(s) to a sub-regional water or wastewater treatment system; or
- 4) Possessing Institutional (Ie) zoning as of April 8, 2010 and immediately adjacent to denied access water or sewer infrastructure lines, provided all criteria in Section II E(7)(F) are satisfied; or

- 5) Zoned Agricultural, if all the criteria set forth above and in Section II E. 8. are satisfied.

S-4/W-4 – Concept Evaluation Phase:

A classification assigned through the piecemeal application process to properties having an S-5/W-5 classification, and designated residential, commercial, or industrial, or in general, a category other than Agricultural/Rural or Natural Resource on the most recently adopted County Comprehensive Plan, and where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 4-6 year time period. Properties classified S-4/W-4 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

- a. The criteria required for the S-5/W-5 classification have been met.
- b. The application shall include documents that show conceptually how the applicant plans extensions of water and sewer lines to serve the property, including topographic information from appropriate sources and an estimate of construction costs. Water concept submissions shall consider the County's water pressure zones to develop the concept, e.g., water booster pumping stations or pressure reducing valves. Sewerage concepts shall consider gravity service as the preferred method (see II (E) (5)(E)). All concept plans shall distinguish between County planned and developer provided facilities.
- c. Adequate capacity shall exist or be programmed within the County or a municipal CIP for the system, which will serve the site. If adequate capacity does not exist, the property owner will either wait for public improvements to be programmed or propose how such service can be provided by the developer/applicant.
- d. After a S-4/W-4 classification has been granted, an application may be submitted to the Maryland Department of the Environment for Water and/or Sewerage construction permits, as applicable.

S-3/W-3 – Preliminary Design Phase:

A classification assigned through the piecemeal application process to properties where improvements to, or construction of, publicly-owned community sewer or water systems are planned to be completed and operational within 3 years. If applicant has not obtained approved water and sewer improvement plans for onsite work within three years or the Preliminary Plan/Site Plan/Phase II Plan expires, they may lose their “3” classification and revert to the “4” classification at the next amendment cycle. Properties classified S-3/W-3 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

- a. Criteria required for the S-4/W-4 classification have been complied with.

- b. Applicant shall provide a study of the components of the existing water and wastewater system and identify inadequacies that may result from the development of the property. This study may be performed in conjunction with the *Adequate Public Facilities Ordinance* (APFO) studies.
- c. A preliminary subdivision plan, site plan, or Phase II Plan (in the case of PUDs and MXDs) has been approved by the Planning Commission.
- d. A discharge permit, where appropriate, has been approved by all appropriate State agencies.
- e. A hydrogeologic study, where appropriate, supports the establishment of a community water system, which will not be detrimental to adjoining wells or surface waters. The hydrogeologic study is typically required to appropriate both ground (well) or surface waters. A Water Appropriation and Use Permit, where appropriate, has been approved by all appropriate State agencies.
- f. If County funded CIP project(s) are needed to provide service, then construction funds for each project must be contained in the first or second year of the County's approved CIP.
- g. If service is to be provided by developer initiated and funded projects, the developer must have approved and signed water/sewer improvement plans and an approved cost proposal for all improvements required to bring adequate water and sewer service to the site. This "service to the site" requirement is considered "met" if adequate water and sewer lines abut the site and are located within a public right-of-way or a public water/sewer easement which abut the site.
- h. Satisfaction of Items f. and g. will create a rebuttable presumption in favor of the applicant that service will be available within 3 years.

S-2/W-2 – Engineering Phase:

This classification is not mapped. Properties are assigned this category by County staff and shall meet the following criteria:

- a. All criteria required for the S-3/W-3 classification have been complied with.
- b. Improvement plans for water and sewer lines and preliminary design of treatment plants and other infrastructure, as appropriate, have been approved.
- c. Location of facilities, i.e. tanks, pumping stations, treatment plants have been located on the Water and Sewerage Map by prior amendment.
- d. Properties classified S-2/W-2 shall connect to the publicly owned system when service lines abut the property.

During the S-2/W-2 phase, final construction design drawings and documents are prepared, rights-of-way are determined and the necessary acquisitions are pursued, various construction related permits are applied for and obtained, a public works agreement, allocation of taps including multi-year tap agreements and improvement guarantees are approved. Final plats may then be recorded, where appropriate.¹

S-1/W-1 – Existing Service:

A classification assigned to properties where publicly-owned community sewer or water systems are existing and are connected to and serving a structure on the property. Properties are assigned this classification by County staff to reflect projects recently completed or structures connected to the public water or sewer system. The County Water and Sewerage Plan map will be revised to reflect this status at regular updates.

Multi-Use Water System:

A classification assigned during the piecemeal application process to a single parcel or lot utilizing a water supply system having the capacity to supply more than 5,000 gallons of water per day and serves a number of individuals.

Multi-Use Sewerage System:

A classification assigned during the piecemeal application process to a single parcel or lot having a maximum discharge or output capacity in excess of 5,000 gallons per day.

¹ See Sec. 1-16-106 of the County Code for additional requirements.

WATER & SEWERAGE PLAN AMENDMENTS
Spring 2014 Cycle

STAFF REPORT

Case # WS-14-01

APPLICANT: Yankee Land Trust

REQUEST: To reclassify 299.7 acres from W-5/Dev., S-5/Dev. to W-3/Dev., S-3/Dev.

LOCATION: Yellow Springs Road at Walter Martz Road/Indian Springs Road within the City of Frederick.
(Tax Map 56, Parcels 207, 296, 390, 439. Property ID#02-589677, 02-589682, 02-589680, 02-589681, 02-589678)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential on the City of Frederick Comprehensive Plan.

Zoning — R-4 Residential (City zoning)

Development Status — The property was annexed into the City in 2012 and granted Planned Neighborhood Development approval by the City Planning Commission in September 2013 for development of 750 residential units (“Kellerton Knolls”)

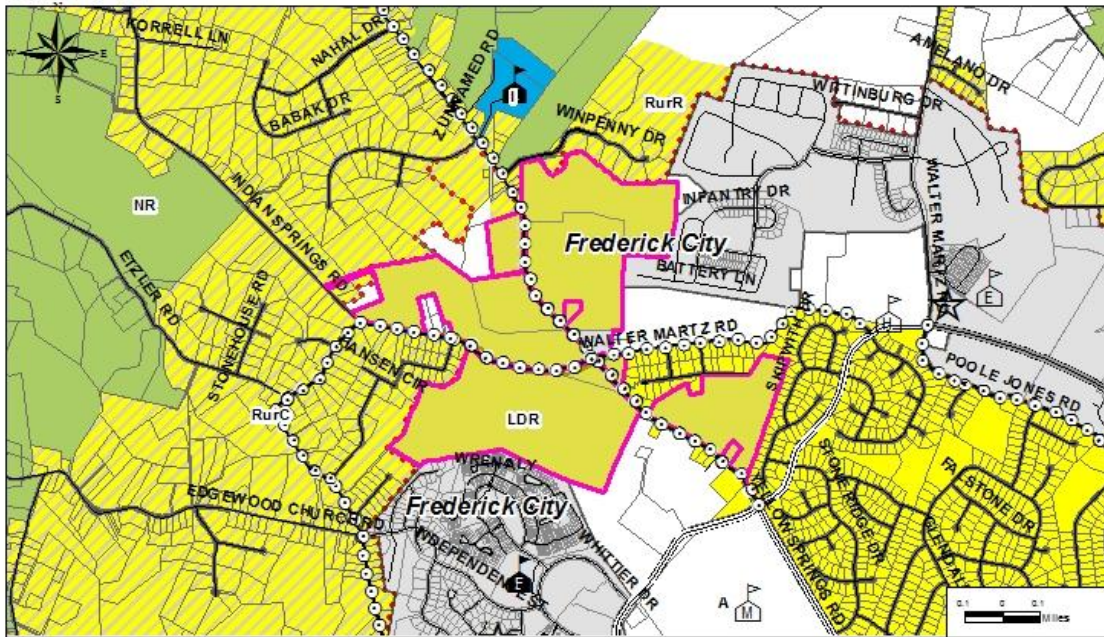
Water & Sewerage Plan Status — The subject properties will be served through extension of a 12-inch water line at the intersection of Yellow Springs Road and Christopher’s Crossing as well as extension of an existing 8-inch water line in the adjacent Cannon Bluff subdivision. Portions of the site will connect to the existing 8-inch sewer lines present in the Clover Hill III and Cannon Bluff subdivisions, with planned enlargements of the lines to 10 inches in certain portions of the existing sewer infrastructure that will receive these contributory flows. Sewer conveyance and treatment capacity in this portion of the City is limited until improvements to the Monocacy Interceptor are made and the expanded Ballenger-McKinney Wastewater Treatment Plan becomes fully operational. The City Engineering Department indicates “full approval of the project will not be made until allocable sewer capacity has been obtained and safe conveyance of flows has been guaranteed” in a letter dated February 21, 2014 to the Applicant.

STAFF RECOMMENDATION:

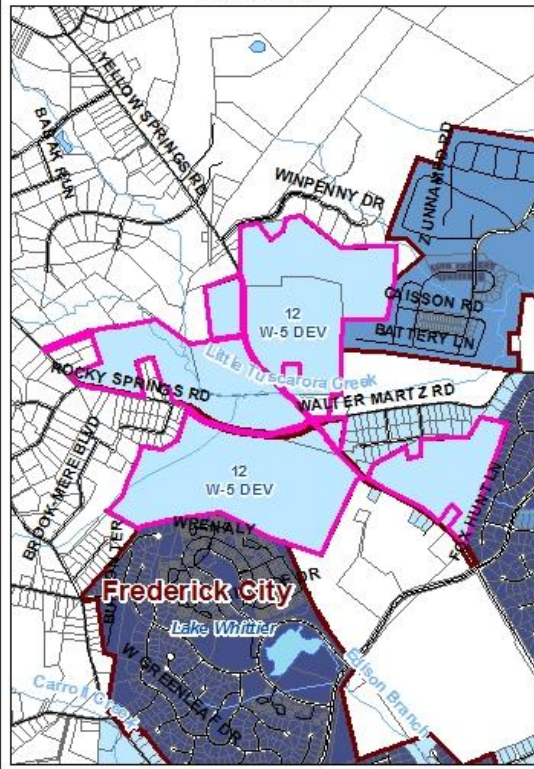
The subject property is located within a municipality, a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the City of Frederick Comprehensive Plan for Case WS-14-01.

WS 14-01

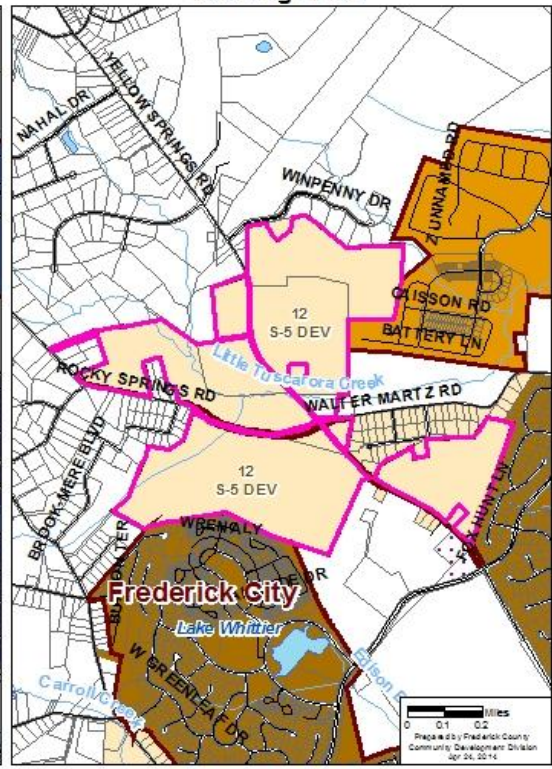
Comprehensive Plan



Water Plan



Sewerage Plan



WATER & SEWERAGE PLAN AMENDMENTS
Spring 2014 Cycle

STAFF REPORT

Case # WS-14-02

APPLICANT: Community Development Division

REQUEST: To reclassify 0.90 acres from S-5/Dev. to S-3/Dev.

LOCATION: 9217 Baltimore Road, 390 feet west of Bells Lane.
(Tax Map 78, Parcel 528, described as "Parcel F", Account 09-273654)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential within the Bartonsville/Spring Ridge Community Growth Area.

Zoning — R-3 Residential

Development Status — The subject property is developed with a residential dwelling and is included in the Bowers Subdivision, recorded at plat book 65, page 70.

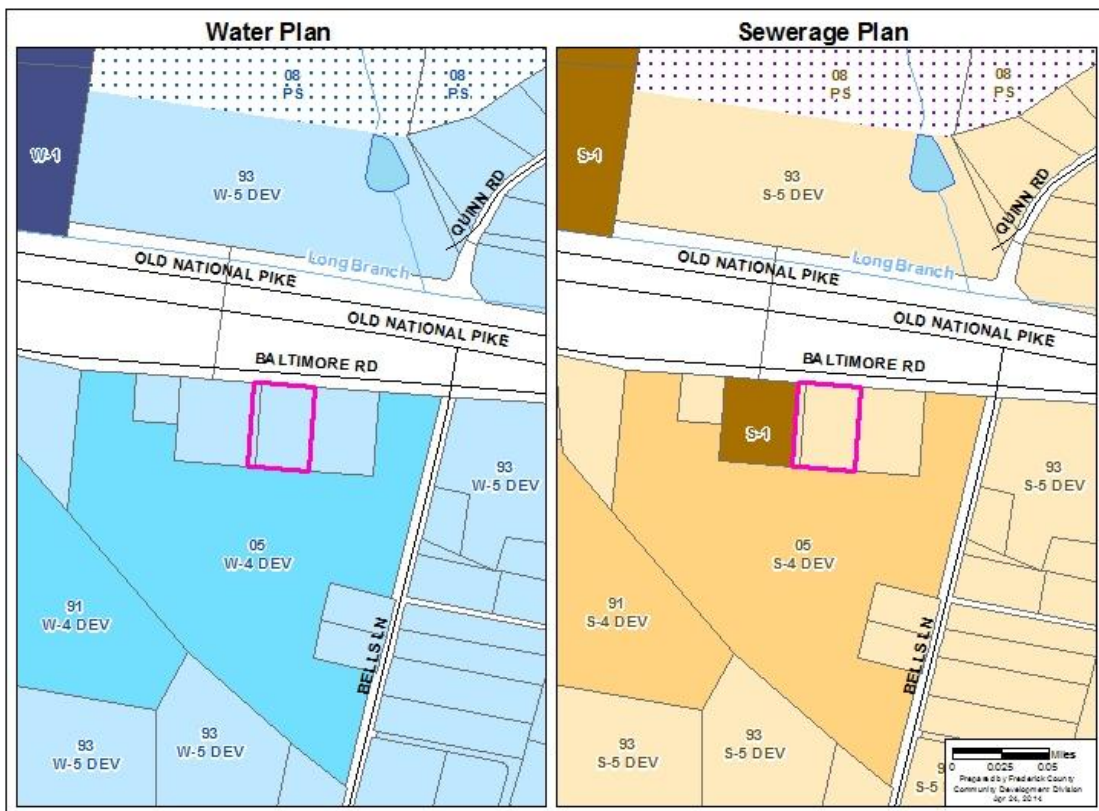
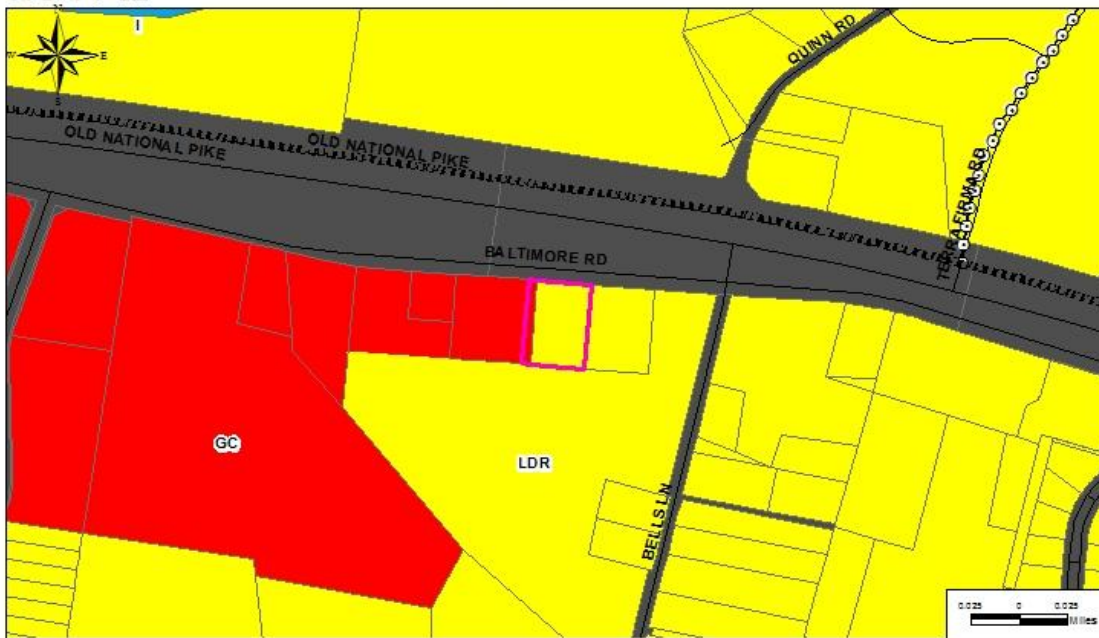
Water & Sewerage Plan Status — A septic system failure on the property prompted the Health Department to contact the County, via letter, regarding the dwelling's connection to the public sewer system. A 6-inch sewer service stub was previously provided to the property line to enable connection to the existing 15-inch sewer line in Baltimore Road. A private groundwater well serves the existing dwelling and will continue to be used.

STAFF RECOMMENDATION:

The subject property is located within a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS-14-02.

WS 14-02

Comprehensive Plan



WATER & SEWERAGE PLAN AMENDMENTS
Spring 2014 Cycle

STAFF REPORT

Case # WS-14-03

APPLICANT: MS Gladhill Farm, LLC

REQUEST: To reclassify 147 acres from Planned Service (PS) to W-4/Dev., S-4/Dev. plus depiction of a sewage pump station symbol on the Sewer Map.

LOCATION: North side of Reichs Ford Road, east of Pinecliff Park Road
(Tax Map 78, Parcel 742, lots 1, 2, 3, 4. Property ID#09-317546,
09-317554, 09-317562, 09-317570)

BACKGROUND:

Comprehensive Plan — The properties are designated Low Density Residential.

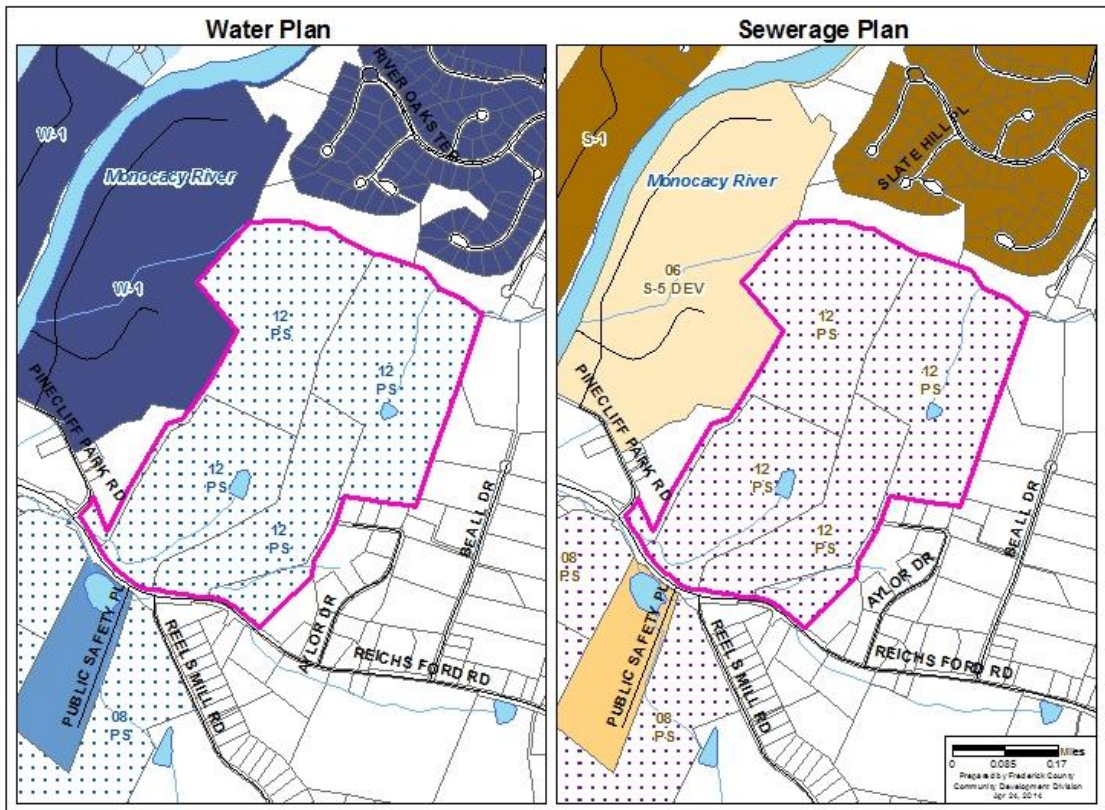
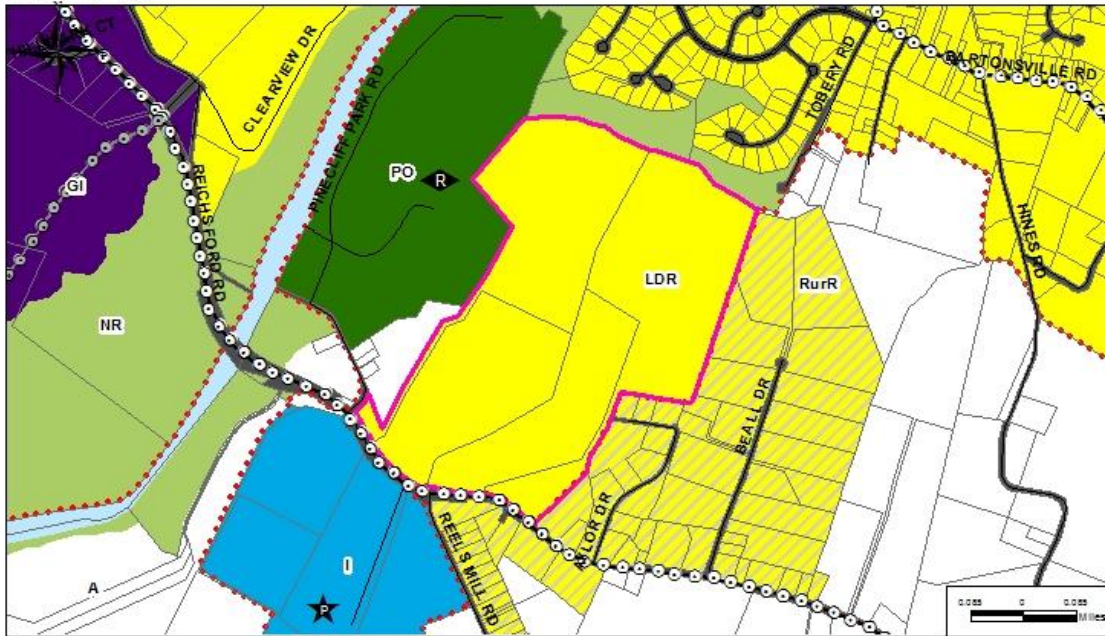
Zoning — Planned Unit Development (PUD)

Development Status — The subject properties were rezoned from Agricultural to PUD in December 2013 through Ordinance No. 13-26-654 for development of 241 single-family detached dwellings and 200 townhome units. A PUD Phase II Plan with combined Preliminary Subdivision Plan and Site Development Plan for the entire project, Tallyn Ridge, was submitted in January 2014 and is currently under review.

Water & Sewerage Plan Status — Two connections to adjacent public water lines will be made to provide water service to the subject properties: Construction of a 10-inch extension of the water line present in Slate Hill Circle (or Winding Oaks Court, depending on easement acquisition) to the north within the River Oaks Subdivision plus a connection to the existing 12 inch water line at the end of Pinecliff Park Road. Sewage will drain to the west, with a line constructed on the edge of the adjacent Pinecliff Park to convey flows southward via gravity to a sewage pump station, followed by construction of a 6-inch force main with ultimate connection to the 36-inch sewer line present within Pinecliff Park.

STAFF RECOMMENDATION:

The subject property is located within a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Town Comprehensive Plan for Case WS 14-03.



WATER & SEWERAGE PLAN AMENDMENTS
Spring 2014 Cycle

STAFF REPORT

Case # WS-14-04

APPLICANT: Michael and Lorriane Staley

REQUEST: To reclassify 4 acres from W-5/Dev., S-5/Dev. to W-3/Dev., S-3/Dev.

LOCATION: West side of Glade Road, opposite Winter Brook Drive in the Town of Walkersville. (Tax Map 49, Parcel 50. Property ID#26-505348)

BACKGROUND:

Comprehensive Plan — The property is designated High Density Residential on the Town of Walkersville Comprehensive Plan.

Zoning — R-4 Residential and Limited Industrial (Town Zoning)

Development Status — A site development plan proposing four (4) condominium buildings (16 total units in 4 buildings) has recently been submitted to the Town of Walkersville for review and approval, with a public hearing scheduled for May 27, 2014 before the Town Planning Commission. A combined Preliminary Plat/Final Plat that creates the lot (Lot 1, the Glades), on which the residential building will be constructed, was granted conditional approval by the Town Planning Commission on April 22, 2014.

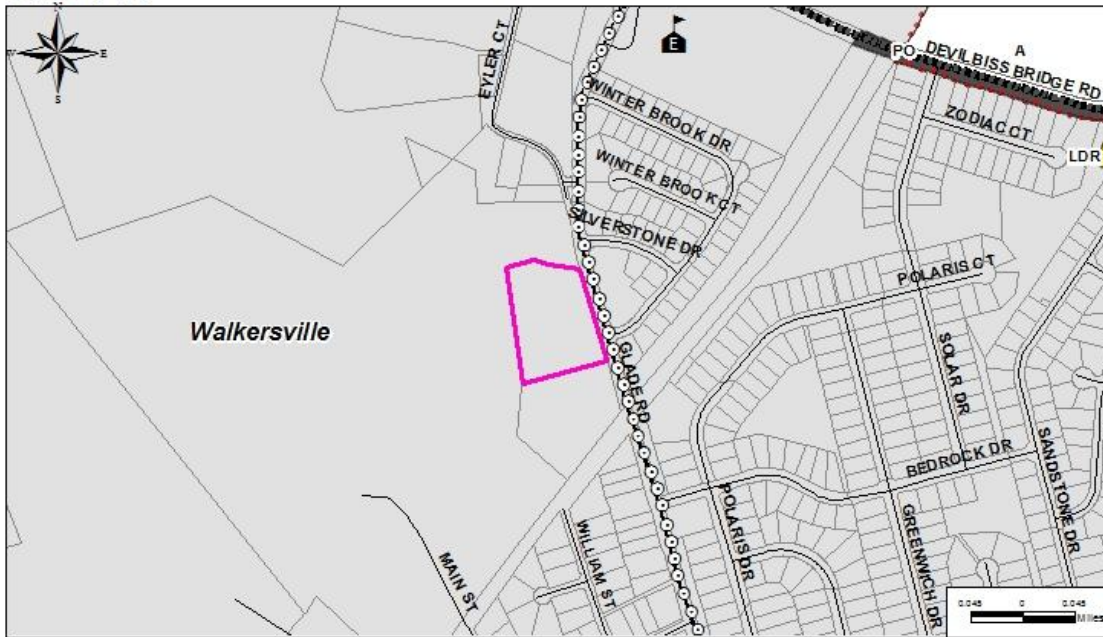
Water & Sewerage Plan Status — Water is provided by the Town of Walkersville with a planned connection to the 8-inch water line present at Winter Brook Drive and Glade Road to serve the subject property. Frederick County provides public sewer service to the Town. An 8-inch sewer line is present at the intersection of Winter Brook Drive and Glade Road and will be extended into the subject property.

STAFF RECOMMENDATION:

The subject property is located within a municipality, a community growth area, and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Town Comprehensive Plan for Case WS 14-04.

WS 14-04

Comprehensive Plan



Water Plan



Sewerage Plan

